

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JANET ROBINSON,

Plaintiff,

v.

CLEAR RECON CORP et al.,

Defendants.

No. 2:20-cv-01874-KJM-CKD (PS)

ORDER AND ORDER DIRECTING
SERVICE BY THE UNITED STATES
MARSHAL WITHOUT PREPAYMENT OF
COSTS

Plaintiff, who proceeds in this action without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 2.)¹ Plaintiff's application in support of her request to proceed in forma pauperis makes the showing required by 28 U.S.C. § 1915. Accordingly, the court grants plaintiff's request to proceed in forma pauperis.

The determination that plaintiff may proceed in forma pauperis does not complete the required inquiry. Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines the allegation of poverty is untrue, or the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant. The court cannot make this determination on the present record. Therefore, the court reserves decision on these issues until the record is sufficiently developed.

¹ This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

Accordingly, IT IS HEREBY ORDERED that:

1. The United States Marshal is directed to serve within ninety days of the date of this order, all process pursuant to Fed. R. Civ. P. 4(h), including a copy of this order, without prepayment of costs.

2. The Clerk of the Court shall send plaintiff one USM-285 form, one summons, and a copy of the complaint (ECF No. 1).

3. Plaintiff is directed to provide to the United States Marshal (501 I St., 5th Floor, Sacramento, CA 95814), within fourteen days from the date this order is filed, all information needed by the Marshal to effect service of process, including all information required for proper service of summons under Federal Rule of Civil Procedure 4(h) and shall file a statement with the court that said documents have been submitted to the United States Marshal, along with a copy of the information provided to the Marshal. The court anticipates that, to effect service, the U.S. Marshal will require at least:

a. Two completed summons for defendants Clear Recon Corp and Wells Fargo Bank, N.A.;

b. Two completed USM-285 forms for each defendant;

c. Two copies of the endorsed complaint for service on each defendant, with an extra copy for the U.S. Marshal; and

d. Two copies of the instant order for service on each defendant.

4. In the event the U.S. Marshal is unable, for any reason whatsoever, to effectuate service on defendants within 90 days from the date of this order, the Marshal is directed to report that fact, and the reasons for it, to the undersigned.

5. The Clerk of the Court is directed to serve a copy of this order on the United States Marshal, 501 "I" Street, Sacramento, Ca., 95814, Tel. No. (916) 930-2030.

Dated: September 29, 2020


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE